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Of Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JUDY BUNDORF, *et al.*,
Plaintiffs,

v.

S.M.R. JEWELL, *et al.*,
Defendants.

and

SEARCHLIGHT WIND ENERGY, LLC
Defendant-Intervenor

CASE NO.: 2:13-cv-616-MMD-PAL

**UNOPPOSED MOTION FOR
EXTENSION OF TIME AND REVISED
SCHEDULING ORDER**

(Second Request)

1 Pursuant to Local Rule 6-1(b) and Hon. Miranda Du's Civil Standing Order, Plaintiffs
2 hereby request an extension of time to file their response/replies on summary judgment and their
3 response to Defendants' motion to strike (Dkt # 53) and for an Order setting a revised briefing
4 schedule. Plaintiffs request a four-week extension, such that their filings will all be due on May
5 30, 2014. Undersigned lead counsel (*pro hac vice*) for Plaintiffs has conferred with counsel for
6 Defendants and Intervenor, who have indicated that they concur in the proposed revised schedule
7 and do not oppose this motion.

8 There have been two previous extensions granted in this case; this is Plaintiffs' second
9 request. The Court set a schedule for briefing cross-motions on summary judgment on July 25,
10 2013 (Dkt # 25). On September 17, 2013, Defendants lodged the administrative records of the
11 defendant agencies with the Court and served them on counsel for Plaintiffs. On November 22,
12 2013, Plaintiffs moved unopposed for an extension of the time to file their opening brief on
13 summary judgment and a revised scheduling order, which this Court granted on November 25,
14 2013 (Dkt # 33). Plaintiffs filed their opening summary judgment brief in accordance with the
15 revised scheduling order on January 31, 2014 (Dkt # 40). Defendants and Intervenor filed an
16 unopposed motion to extend by four weeks their time to cross-move and respond on March 11,
17 2014, which this Court granted the next day (Dkt # 52).

18 Under the current schedule, Plaintiffs' response/replies on summary judgment are due on
19 May 2, 2014, and their response to the motion to strike is due on April 28, 2014. Undersigned
20 lead counsel for Plaintiffs' will be in the field conducting surveys with other clients for the next
21 two weeks, and thereafter has several briefing deadlines in other matters scheduled in early- to
22 mid-May. The requested four-week extension is equivalent to the extension granted to the other
23 parties to file their responses and cross-motions in March.

24 There currently are no signed rights-of-way for the challenged industrial wind project,
25 and it does not appear that the project is likely to proceed in the near future. *See*
26 http://www.blm.gov/nv/st/en/fo/lvfo/blm_programs/energy/searchlight_wind_energy.html
27 (Searchlight Wind Energy Project official website, showing the two rights-of-way—Appendix A
28

and Appendix B under “Record of Decision”—as “pending,” more than eight months after the Record of Decision was signed) (last visited April 15, 2014).

Based on the foregoing, Plaintiffs respectfully request an extension of the time to file their responsive briefs until May 30, 2014. The remaining requested extension dates are as follows:

<u>Event</u>	<u>Current Deadline</u>	<u>Requested Extension</u>
Plaintiffs’ summary judgment response & reply:	May 2, 2014	May 30, 2014
Plaintiffs’ response to motion to strike	April 28, 2014	May 30, 2014
Federal Defendants’ (and intervenor’s) reply:	May 23, 2014	June 20, 2014

For the foregoing reasons, Plaintiffs respectfully request that this Court grant this unopposed motion.

Respectfully submitted this 15th day of April 2014.

/s David H. Becker

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Of Attorneys for Plaintiffs

**NO FURTHER EXTENSIONS WILL
BE GRANTED.**

IT IS SO ORDERED:



Miranda M. Du
United States District Judge

DATED: April 22, 2014